United Nations S/AC.49/2006/33

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 30 November 2006 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraphs 11 and 12 (a) of Security Council resolution 1718 (2006), I have the honour to submit to the Committee the following information concerning the steps taken by Germany with a view to implementing effectively the provisions of paragraph 8 of said resolution (see annex).

Further information will be provided to the Committee once a list of designated persons or entities according to paragraph 8 (d) and (e) of Security Council resolution 1718 (2006) has been issued.

(*Signed*) Thomas **Matussek**
Ambassador

06-64911 (E) 271206

Annex to the letter dated 30 November 2006 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

Germany has taken action both nationally and as a member of the European Union (EU) to effectively implement all sanctions against the Democratic People's Republic of Korea (DPRK) passed according the resolution 1718 (2006). Regarding the steps taken by the EU, I refer to the letter of the Presidency of the EU of 13 November 2006 addressed to the Chairman of the Committee.

In addition, Germany has taken the following steps nationally to implement those measures that do not or only in part fall within the competence of the EU.

Paragraphs 8 (a) (i) and (ii)

Implementation of the embargo on arms and nuclear-related, ballistic missile-related or other weapons of mass destruction-related dual-use goods as imposed by resolution 1718 (2006) is ensured on the basis of the existing national Foreign Trade and Payments Act (Aussenwirtschaftsgesetz), the Foreign Trade and Payments Ordinance (Aussenwirtschaftsverordnung), the War Weapons Control Act (Kriegswaffenkontrollgesetz) and the EC-Dual-Use-Regulation 1334/2000 which require export authorizations for the export of the goods covered by paragraph 8 (a) (i) and (ii) to third countries. The measures include all products and equipment contained in documents S/2006/814, S/2006/815 and S/2006/816 as referred to in resolution 1718 (2006). Moreover, brokering activities regarding items covered by paragraph 8 (a) (i) and rendering technical assistance related to military activities require authorizations. Exports to DPRK from Germany have been subject to specific restrictions since 1991.

Infringements of the above-mentioned restrictions are punishable as criminal acts. The penalties applicable to infringements are set out in the Foreign Trade and Payments Act and the War Weapons Control Act.

Paragraph 8 (a) (iii)

Pending finalization of a list of luxury items presently drafted by the EU, Germany is applying its own restrictions for the export of those items covered by paragraph 8 (a) (iii) of Security Council resolution 1718 (2006). In this context, Germany would like to point out the difficulties that may arise in the implementation of said paragraph by Member States given the lack of a standard definition of the term "luxury item". Furthermore, Germany would like to seek clarification by the Committee on possible exemptions from the measures taken under paragraph 8 (a) (iii) for goods necessary for the effective work of humanitarian organizations within the territory of the DPRK.

Following the adoption of resolution 1718 (2006), the competent German authorities have notified the German Customs Office of Export and the Customs Office of Exit of the new restrictions arising out of paragraph 8 (a) (i), (ii) and (iii) of resolution 1718 (2006).

Paragraph 8 (b)

Germany is taking steps to prohibit the procurement of all items from the DPRK covered by subparagraphs 8 (a) (i) and (ii) of resolution 1718 (2006) by its nationals, or using its flagged vessels or aircraft, whether or not originating in the territory of the DPRK. Once the legal instruments of the EU referred to in the letter by the EU Presidency are adopted and published, Germany will impose national prohibitions in its Foreign Trade and Payments Act regarding items as mentioned in paragraph 8 (a) (i).

Paragraph 8 (c)

Germany has taken all necessary measures to prevent the transfer to the DPRK by its nationals or from its territory of technical training and services related to items listed under subparagraphs 8 (a) (i) and (ii).

Paragraph 8 (d)

Appropriate measures will be taken as soon as the list of persons or entities designated by the Committee or the Security Council has been issued.

Paragraph 8 (e)

Appropriate measures will be taken as soon as the list of persons designated by the Committee or the Security Council has been issued.

Paragraph 8 (f)

Germany has taken all necessary measures to ensure proper and efficient inspection of cargo to and from the DPRK.